

HOUSE BILL 2392
By Curtiss

AN ACT to amend Tennessee Code Annotated, Title 68, Chapter 11, Part 2, relative to fire safety in nursing homes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 68, Chapter 11, Part 2, is amended by adding the following as a new, appropriately designated section:

68-11-2__.

(a) A licensed nursing home, as defined in § 68-11-201, that is not fully sprinklered as of the effective date of this act shall be fully sprinklered in accordance with the compliance dates set forth in subsections (a), (b), and (c) of this section. Those compliance dates shall be as follows:

(1) If the facility provides patient care above or below the ground floor, the facility must submit to the department of health sprinkler plans for the full sprinklering of the facility within twelve (12) months from the effective date of this act. Once the department approves such plans, the facility must complete installation of sprinklers no more than eighteen (18) months from the date of approval of those plans.

(2) If the facility provides patient care only on the ground floor, the facility must submit to the department of health sprinkler plans for the full sprinklering of the facility within eighteen (18) months from the effective date of this act. Once the department approves such plans, the facility must complete installation of sprinklers no more than eighteen (18) months from the date of approval of those plans.

(b) A facility not fully sprinklered as of the effective date of this act may choose to completely replace the facility as an alternative to complying with

subsection (a). If the facility elects to do so, the new facility must be approved by the health services and development agency, have approved building plans from the department of health, and be in construction beyond the footing stage no later than three (3) years after the effective date of this act.

(c) Any facility not currently licensed as of the effective date of this act shall be required to be fully sprinklered prior to the facility being licensed by the department of health.

(d) In addition to the requirement to fully sprinkler the facility as outlined above, any facility not fully sprinklered as of the effective date of this act must also provide a smoke detector in each patient room. Smoke detectors may be single-station smoke detectors that are powered by battery, or smoke detectors that are connected together and wired to a central fire alarm panel, or any combination of both. Unless the facility chooses to install a centrally connected smoke detector system as part of its installation of sprinklers, the smoke detectors must be provided in each patient room no later than July 1, 2005. If the facility chooses to install the centrally connected smoke detectors as part of its sprinkler installation, the installation of smoke detectors must be completed by the compliance date for the facility to complete installation of sprinklers as outlined above.

(e) The failure to comply with any deadlines as outlined in this act shall be grounds for discipline and/or licensure action by the board for licensing health care facilities pursuant to the process set up in § 68-11-207.

(f) At least once per year, each licensed nursing home shall coordinate a fire drill with their local fire department. The local fire department shall observe the fire drill and provide input to the facility relative to the fire safety of the facility.

(g) For Medicaid certified facilities which install the required sprinkler systems after the effective date of this act, the cost of such installation shall be reimbursed over a five (5)-year period beginning after the installation is complete and based on the facility's Medicaid cost ratio as computed by the comptroller of

the treasury. The costs of such installation shall not be included in the facility's Medicaid rate calculations, but shall be reimbursed in addition to each facility's Medicaid per diem rate and not subject to the Medicaid maximum rate.

(h) For Medicaid certified facilities which installed sprinkler systems between August 1994 and the effective date of this act, the cost of such installation shall be reimbursed over a five (5)-year period beginning July 1, 2004, based on the facility's Medicaid cost ratio as computed by the comptroller of the treasury. The cost reimbursed over the five (5)-year period will be calculated as total installation cost minus any depreciation cost for the sprinkler system the facility has claimed on Medicaid cost reports up to July 1, 2004. The costs of such installation shall not be included in the facility's Medicaid rate calculations but shall be reimbursed in addition to each facility's Medicaid per diem rate and not subject to the Medicaid maximum rate.

SECTION 2. This act shall take effect July 1, 2004, the public welfare requiring it